

# FILE COPY

## STATE OF WISCONSIN BEFORE THE CHIROPRACTIC EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

GERALD H. RETZLAFF, D.C.,  
RESPONDENT.

FINAL DECISION AND ORDER  
93 CHI 30

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Gerald H. Retzlaff, D.C.  
824 South Hastings Way  
Eau Claire, Wisconsin 54701

Chiropractic Examining Board  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

### FINDINGS OF FACT

1. That Gerald H. Retzlaff, Respondent herein, was at all times relevant to this proceeding duly licensed under the provisions of Wisconsin Statutes chapter 446 to practice chiropractic in the State of Wisconsin.

2. That Respondent holds a license to practice chiropractic, number 1370, granted November 17, 1976.

3. That Respondent's date of birth is March 11, 1948 and his current address is 824 South Hastings Way, Eau Claire, Wisconsin 54701.

4. On August 19, 1992, Respondent examined Patient A. Patient A told Respondent that she was suffering from acute pain in her left middle finger following an injury to that finger. Patient A told respondent that she

sustained this injury to her finger during a volleyball game on August 6, 1992.

5. As a part of Respondent's examination of Patient A, Respondent obtained a series of x-rays that revealed a fracture of the proximal end of the middle phalanx with medial subluxation.

6. Respondent treated Patient A's fractured finger by directing her to splint her fractured finger to an adjacent finger. Patient A did so.

7. Respondent failed to advise Patient A that her fractured finger was not treatable by chiropractic and that Patient A should consult a medical doctor for further evaluation and treatment.

8. Patient A sought additional chiropractic care from Respondent on September 15, 18, 24 and October 8, 1992. On each occasion, Respondent examined Patient A's injured finger but failed to advise Patient A that her fractured finger was not treatable by chiropractic and that Patient A should consult a medical doctor for further evaluation and treatment.

9. On October 23, 1992, Patient A consulted a medical doctor. Patient A's medical doctor told Patient A that her fractured finger had malunited, and that her fractured finger would remain deformed and stiff.

#### CONCLUSIONS OF LAW

1. The Wisconsin Chiropractic Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wisconsin Statutes section 446.03 and Wisconsin Administrative Code chapter Chir 1 and 6.

2. The Wisconsin Chiropractic Examining Board is authorized to enter into the attached Stipulation pursuant to Wisconsin Statutes section 227.44(5).

3. Respondent's conduct described above violated Wisconsin Statutes section 446.03(5), and Wisconsin Administrative Code section Chir. 6.02 (1) and (3), thereby subjecting Respondent to disciplinary action pursuant to Wisconsin Statutes section 446.03.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The stipulation of the parties, attached hereto, is ACCEPTED.

IT IS FURTHER ORDERED that the Respondent's license to practice chiropractic shall be suspended for a period of one (1) week. The Respondent may specify the one week period during which the suspension will be in effect, but the Respondent must so specify within fifteen (15) days after the date of this Order. The period of suspension must begin no later than six (6) months after the date of this Order.

By

  
A Member of the Board

Date

6-9-94

ATY2-5802

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

GERALD H. RETZLAFF, D.C., :  
RESPONDENT :

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STIPULATION  
93 CHI 30

It is hereby stipulated between Gerald H. Retzlaff, D.C., personally and on his own behalf and Peter Sammataro, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. The Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. The Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the State has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of his right to seek legal advice and representation prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to this Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this stipulation agree that the attorney for the

Division of Enforcement may appear before the Chiropractic Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins the Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
GERALD H. RETZLAFF, D.C., Respondent

05/17/94  
Date

  
PETER SAMMATARO, Attorney  
Division of Enforcement

5-10-94  
Date

ATY2-5809